
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,

v.

CRUZ VALENZUELA-BORJAS,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
RETURN OF PROPERTY

Case No. 2:13-CR-107 TS

District Judge Ted Stewart

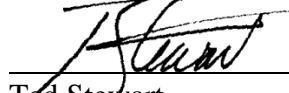
This matter is before the Court on Defendant's Motion for Return of Property. Defendant seeks a return of certain property pursuant to Federal Rule of Criminal Procedure 41(g). The government states that these items were seized by state authorities and the government has no evidentiary hold on them. Property "seized and held by state law-enforcement officers is not in the constructive possession of the United States for Rule 41(g) purposes unless it is being held for potential use as evidence in a federal prosecution."¹ Because the government does not possess the items Defendant seeks, his Motion must be denied.

It is therefore

ORDERED that Defendant's Motion for Return of Property (Docket No. 75) is DENIED.

DATED this 28th day of December, 2016.

BY THE COURT:



Ted Stewart
United States District Judge

¹ *United States v. Copeman*, 458 F.3d 1070, 1072 (10th Cir. 2006).